

PROB 12C (Rev. 08/18)	AMENDED VIOLATION REPORT PART 1: PETITION FOR WARRANT			U. S. Probation Office Eastern District of Michigan	PACTS 33684	DATE 10/15/2024
NAME SOLDAN, Benny		OFFICER Ashley M. Jerrell		JUDGE Mark A. Goldsmith		DOCKET # 11-CR-20320-02
ORIGINAL SENTENCE DATE 11/29/2011	SUPERVISION TYPE Supervised Release	CRIMINAL HISTORY CATEGORY VI	TOTAL OFFENSE LEVEL 27			
COMMENCED 03/04/2022						
EXPIRATION 03/03/2028						
ASST. U.S. ATTORNEY Nancy Abraham		DEFENSE ATTORNEY To Be Determined				
<p>REPORT PURPOSE</p> <p><u>AMENDED VIOLATION TO THE PETITION FOR</u> <u>WARRANT FILED ON MARCH 20, 2024</u></p> <p><u>The amended information is underlined</u></p>						
<p>ORIGINAL OFFENSE,</p> <p>Count 1: 21 U.S.C. § 841(a)(1): Conspiracy to Manufacture Methamphetamine</p>						
<p>SENTENCE DISPOSITION</p> <p>Custody of the Bureau of Prisons for a term of 151 months to be served concurrently to defendant's state court sentence, to be followed by a six-year term of supervised release.</p>						
<p>Name of Sentencing Judicial Officer: Honorable Mark A. Goldsmith. On April 24, 2015, the case was reassigned to the Honorable Laurie J. Michelson, due to her appointment in the U.S. District Court, located in Flint, Michigan. On October 3, 2023, the case was transferred back to the Honorable Mark A. Goldsmith for reasons of docket efficiency.</p>						
<p>Sentence Reduction: October 9, 2015: Order Regarding Motion for Sentence Reduction pursuant to 18 U.S.C. § 3582(c)(2), custodial sentence was reduced to 136 months or time already served as of November 1, 2015. Sentence shall run concurrent with the sentence that the defendant is serving with the Michigan Department of Corrections. All other conditions of the original judgment remain in full force and effect.</p>						
<p>ORIGINAL SPECIAL CONDITIONS</p> <ol style="list-style-type: none"> 1. The defendant shall make monthly payments on any remaining balance of the restitution at a rate and schedule recommended by the Probation Department and approved by the Court. 2. The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer. 						

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3. The defendant shall provide the probation officer access to any requested financial information.
4. The defendant shall participate in a program approved by the Probation Department for substance abuse which program may include testing to determine if the defendant has reverted to the use of drugs or alcohol.

Criminal Monetary Penalties: Special Assessment \$100.00 (paid); Restitution \$31,116.03 (Balance: \$19,075.56).

The probation officer believes that the offender has violated the following condition(s) of Supervised Release:

VIOLATION NUMBER	NATURE OF NONCOMPLIANCE
1	Violation of Mandatory Condition: "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME."

On February 27, 2024, a Shiawassee County Sheriff's Deputy witnessed a Pontiac G6, driven by SOLDAN, traveling westbound on M21, approaching the Meijer department store. The vehicle exceeded the speed limit, between 2-4 mph over (57-59 mph). The deputy witnessed the registration plate in the back of the vehicle had an expired tag on it. Upon approaching the vehicle, SOLDAN looked in the rearview mirror and pulled into the Meijer parking lot, traveled through the walking portion of the parking lot, and then exited on State Road without stopping at Meijer. The deputy briefly lost sight of SOLDAN's vehicle and reacquired the vehicle turning south on Gould Street from M21. SOLDAN then turned east on Allendale and went 2-3 feet over the fog line on the south side of the road. The deputy activated his lights immediately. SOLDAN was observed looking through the rearview mirror, at which time the deputy also activated his siren. SOLDAN briefly tapped his brakes, upon approaching Frazier Street, then continued. The deputy switched his siren sounds and ensured his lights were still activated. At this time, SOLDAN turned south onto Abrey St. The deputy, again, checked to ensure his lights and sirens were activated, and even switched sounds. The deputy then observed SOLDAN looking in his rearview mirror and at the patrol car. SOLDAN then pointed out his window to the east and did so multiple times. SOLDAN continued until pointing to a residence, again, and pulling into a driveway on Melinda Avenue.

Upon contacting SOLDAN, he was instructed to get out of the vehicle and that he was under arrest for fleeing and eluding. SOLDAN stated, "Why are you arresting me twice." The deputy then opened the door and instructed SOLDAN to get out of the vehicle and that he was under arrest. SOLDAN did not get out of the vehicle causing the deputy to grab him by the arm to get him out of the vehicle. SOLDAN was then told to put his hands behind his back as he was under arrest for fleeing and eluding. SOLDAN repeatedly stated "Why are you arresting me" and the deputy continued telling him why. SOLDAN then pulled away from the deputy and started walking toward the house, saying, "no." The deputy then grabbed SOLDAN's left arm with both of his arms and executed a restraint technique. The deputy then applied one set of handcuffs on the left side of his wrist, as SOLDAN continued asking why he was under arrest. SOLDAN,

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again, started to try and pull away back toward the door of the residence. The deputy then grabbed his other hand and was able to handcuff the second hand and place SOLDAN in the back of the patrol vehicle. Prior to placing SOLDAN in the vehicle, the deputy conducted a search of SOLDAN's person, and no contraband was found on his person.

An inventory search of the vehicle was conducted prior to it being towed. In the rear of the vehicle, a clear pipe used for methamphetamine was found. The pipe was consistent with drug paraphernalia. A black machete with a green sheath was also found. SOLDAN was read his Miranda Rights. After being read his Miranda Rights, SOLDAN continued to yell random things at the deputy.

According to the 66th Judicial District Court, Shiawassee County, MI, on May 23, 2024, under Case Number: 2024-24-0042-SI, SOLDAN pled guilty to Police Officer – Fleeing – Third Degree, Weapons – Dangerous Weapons – Using Self-Defense Spray Device, and Controlled Substance Use – Methamphetamine. Additional charges for Police Officer Fleeing – Third Degree and Police Officer – Assaulting/Resisting/Obstructing were Nolle Prosequi. On July 12, 2024, SOLDAN was sentenced to nine months custody, with 136 days credit for time served.

2 **Violation of Mandatory Condition:** "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME."

On November 22, 2023, law enforcement officers (LEO) were dispatched to the area of Island Road and Watson Road located in Clinton County, Michigan, in reference to a vehicle being stuck in someone's yard/field. Dispatch advised LEO that the caller resided at 5863 E. Island Road, Clinton County, Michigan, and had an intoxicated male (identified as SOLDAN) stuck in their yard with his car. When LEO arrived on scene, they noticed a vehicle well off the roadway and stuck in the mud in a field. The vehicle could be heard running but it did not appear that anyone was inside the vehicle.

The caller advised LEO that SOLDAN had shown up to their home and had already been drinking earlier in the day. The caller advised that while at the residence, he had consumed a fifth of Crown Royal Apple. When SOLDAN advised the occupants of the home that he was getting ready to drive home, they tried to stop him. SOLDAN became upset and attempted to leave anyway. According to the caller, SOLDAN backed the vehicle down the driveway toward the roadway. He then drove forward, driving into the muddy field and got stuck. The caller could hear SOLDAN revving the car engine to try to get it free.

After interviewing the caller, LEO approached the vehicle at the driver side window. The vehicle was running and in park. The window was rolled up and the door was locked. The driver of the vehicle was reclined back in his seat and appeared to be sleeping. LEO knocked loudly on the window to wake him up. Once awake, SOLDAN was asked to open the door.

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LEO observed SOLDAN's eyes to be bloodshot and watery, his speech to be slurred, and the odor of intoxicants coming from his mouth. When SOLDAN was asked how he became stuck, he indicated he was not sure.

SOLDAN was asked to exit the vehicle. SOLDAN admitted to drinking "slightly" stating he had two to three bud light bottles and a couple of shots of Crown Royal Apple. The Horizontal Gaze Nystagmus and Walk and Turn sobriety tests were conducted. Because of SOLDAN's poor balance, the walk and turn test ended. For safety reasons and because SOLDAN's balance was so poor, the one leg stand test was not attempted. SOLDAN agreed to a preliminary breath test and the result was .15% BAC. At this point, SOLDAN was placed under arrest for Operating Under the Influence of Alcohol.

SOLDAN was asked and agreed to provide a blood test and was taken to Sparrow Hospital located in Clinton County, MI for said test before being taken to the Clinton County Jail.

According to 65A District Court, Clinton, County, MI, under Case No.: 2023-23-1196-SD, SOLDAN was charged with Operating While Intoxicated. On August 7, 2024, an order of Nolle Prosequi was entered.

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Violation of Mandatory Condition: "THE DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER, AS DETERMINED BY THE COURT. REVOCATION OF SUPERVISED RELEASE IS MANDATORY FOR POSSESSION OF A CONTROLLED SUSBTANCE."

On June 22, 2022, June 29, 2023, and September 7, 2023, SOLDAN provided urinalysis samples which were positive for marijuana. On October 31, 2023, SOLDAN provided a urinalysis sample which was confirmed to be positive for methamphetamine, MDMA, and marijuana. The specimen collected was also confirmed to be diluted. On November 14, 2023, SOLDAN provided a urinalysis sample which confirmed to be positive for amphetamine and methamphetamine and marijuana. On December 1, 2023, SOLDAN provided a urinalysis sample which was confirmed to be positive for marijuana. Abbott Laboratories also confirmed that the sample had been diluted. SOLDAN admitted to last using marijuana on October 31, 2023. SOLDAN also admits to using methamphetamine on or after November 1, 2023, but prior to November 7, 2023. He denies any additional methamphetamine use.

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<p>4 <u>Violation of Standard Condition No. 14:</u> "THE DEFENDANT SHALL NOT POSSESS A FIREARM, AMMUNITION, DESTRUCTIVE DEVICE, OR ANY OTHER DANGEROUS WEAPON. REVOCATION OF SUPERVISED RELEASE IS MANDATORY FOR POSSESSION OF A FIREARM."</p> <p>As stated previously, on February 27, 2024, SOLDAN was arrested for fleeing and eluding, possession of a controlled substance, resisting arrest, and concealing a weapon (machete). Based on the charge of concealing a weapon, it is determined that SOLDAN was in possession of a dangerous weapon.</p> <p>5 <u>Violation of Standard Condition No. 1:</u> "THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR PROBATION OFFICER."</p> <p>On November 22, 2023, SOLDAN was arrested by the Clinton County Sheriff's Department in Clinton County, Michigan, for driving under the influence. Clinton County is in the Western District of Michigan. SOLDAN did not have permission from this writer or the Court to be present in the Western District of Michigan.</p>					
I declare under penalty of perjury that the foregoing is true and correct. PROBATION OFFICER					
s/Ashley M Jerrell/slg/djl 810-341-7864					
SUPERVISING PROBATION OFFICER					
s/Warren L. Henson 810-341-7861					
<p>THE COURT ORDERS:</p> <p><input checked="" type="checkbox"/> To Amend Violation to the Petition for Warrant Filed on March 20, 2024</p> <p><input type="checkbox"/> Other</p>					
<u>s/Mark A. Goldsmith</u> United States District Judge					
<u>10/15/2024</u>					
Date					